

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
Steven R. Kennedy and :
Shirley R. Kennedy : Case No.: 1:16-bk-01913-RNO
Debtors :

**OBJECTIONS OF CAPITAL REGION WATER
TO PROPOSED SALE OF REAL PROPERTY LOCATED AT 2555 NORTH
6TH STREET, HARRISBURG, DAUPHIN COUNTY, PENNSYLVANIA
FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

AND NOW comes Capital Region Water, by and through its attorneys,
Goldberg Katzman, P.C., who files these Objections to the Proposed Sale of Real
Property Located at 2555 North 6th Street, Harrisburg, Dauphin County,
Pennsylvania Free and Clear of Liens, Claims and Encumbrances, and in support
thereof, states the following:

1. On January 26, 2017, Debtors provided a Notice to Creditors that they filed a Motion to Approve Sale of Real Property Free and Clear of Liens, Claims and Encumbrances relating to the Debtors' real property located at 2555 North 6th Street, Harrisburg, Dauphin County, Pennsylvania (the "Property").
2. The Property is served with water and sewer by Capital Region Water.
3. There remains a past-due and owing balance of \$1,225.12 for the water and sewer services provided by Capital Region Water at the Property, as evidenced by the documents attached hereto as Exhibit A.

4. As such, Capital Region Water has a municipal claim in the amount of \$1,225.12 on the Property.

5. Pursuant to the Bankruptcy Code, a trustee may sell property free and clear of any interest therein only if:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C.A. § 363(f).

6. Pennsylvania law governing municipal claims states that a municipal claim “shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which the said property may become charged, or for which it may become liable. . . .” 53 P.S. § 7106(a)(1); see also EMC Mortgage Corp. v. Lentz, 972 A.2d 112, 115 (Pa. Commw. Ct. 2009) (holding that a municipal claim had priority to be paid in full over all other liens on a property).

7. Accordingly, under applicable nonbankruptcy law, the municipal claim held by Capital Region Water on the Property has priority and must be paid in full.

8. Capital Region Water, therefore, objects to the proposed sale of the Property free and clear of its interest therein.

9. As evidenced by the accompanying Stipulation, filed simultaneous herewith, Debtors' attorney agrees to the relief sought herein.

WHEREFORE, Capital Region Water respectfully requests that this Honorable Court grant their Objections and order that the municipal claim held by Capital Region Water on the real property located at 2555 North 6th Street, Harrisburg, Dauphin County, Pennsylvania in the amount of \$1,225.12 shall be paid in full through the proceeds of the sale of the real property.

Respectfully submitted,

GOLDBERG KATZMAN, P.C.

Date: By: s/ Steven E. Grubb
Steven E. Grubb, Esquire (I.D. No. 75897)
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Telephone: (717) 234-4161
Attorney for Capital Region Water

CAPITAL REGION WATER
Dr. Robert E. Young Water Services Center
Billing & Collections Unit, 100 Pine Drive
Harrisburg Pa 17103
Phone: (888) 510-0606 Fax: (717) 775-1040

Account: 10015094-0

Date Prepared: 02/14/2017

Property: 2555 N 6TH ST

Preparer's Initials: JM

Property Owner: STEVEN R KENNEDY

Requested By: WENDY/STEVE

Telephone: 888-510-0606

Utility Bill Due: \$1,225.12__

Includes payments received up to 1/20/17_____

Meter Reading: 930000_____

Balance valid until: 2/28/2017_____

Other Fees: Settlement Sheet \$25.00 (Paid)

Do not pay utility balance until after settlement.

At the time of settlement, the buyer and seller must agree on the distribution of any existing credit balances. After settlement, refunds will not be issued by Capital Region Water for credit balances or duplicate utility payments.

If you fail to have the water service terminated in your name, you may be responsible for future debts incurred against this property.

***If you are an ACH subscriber, please ensure that you stop the automatic withdraw from your utility bill. No refunds will be issued for failure to stop the automatic withdraw for payment of your utility bill. Please call 1-888-510-0606.

This settlement sheet may not identify all judgements which may exist against the seller and which may encumber this property. It is, therefore, recommended that a search of the judgement docket be done at the Dauphin County Courthouse.

Lien Status: NO LIENS

Comment:

End of Report



CAPITAL REGION WATER
100 PINE DRIVE
HARRISBURG, PA 17103
Phone: 1-888-510-0606

ACCOUNT NUMBER	10015094-0
CID:	67306
BILLING DATE	01/25/2017
AMOUNT DUE	44.37
DUE DATE	2/15/17
AFTER DUE DATE PAY	146.09

PLEASE RETURN BOTTOM PORTION WITH YOUR PAYMENT

STEVEN R KENNEDY
1916 PRESERVE LANE
PALMYRA PA 17078

1,225.12
116.09 current balance
+ 48.01 new charges
164.10
+ 1061.02 bankruptcy
\$1,225.12

www.capitalregionwater.com

1-888-510-0606

CUSTOMER ACCOUNT INFORMATION RETAIN FOR YOUR RECORDS

CUSTOMER NAME		SERVICE ADDRESS		ACCOUNT NUMBER				
STEVEN R KENNEDY		2555 N 6TH ST		10015094-0				
METER NUMBER	SERVICE PERIOD		METER READINGS		CONSUMPTION	GALLONS USED		TYPE OF READINGS
	FROM	TO	PRIOR	PRESENT		WATER	SEWER	
58823466	12/6	12/29	924000	927000	3000	3000	3000	Actual
		1/31/17		930000		3000 gallons		48.01

Previous Balance 294.44
Penalty 4.42
Payments -232.50
Adjustments 0.00
Prior Balance 66.36

Ready-to-serve water 6.22
Water Utilization 23.64
Sewer Utilization 15.78
Sewer Maintenance 2.37

Current Charges 48.01
Pay This Amount 114.37

1,225.12

Prepare for cold weather: Frozen water pipes in your home can lead to costly repairs. Visit capitalregionwater.com/winterprep to learn how to protect your pipes from freezing.

Automatic monthly withdrawal payments (ACH), Customer Portal online payments and Ebill are available online at www.capitalregionwater.com. Credit Card Payments can be made by calling 1-888-510-0606 to speak with one of our Customer Service Representatives. Only cardholder (Actual Name on Card) is authorized to make a credit card payment.

PLEASE DETACH & RETURN WITH PAYMENT

ACCOUNT NUMBER	10015094-0
CID:	67306
CUSTOMER NAME	STEVEN R KENNEDY
SERVICE ADDRESS	2555 N 6TH ST
BILLING DATE	01/25/2017

00000100150940000114374

STEVEN R KENNEDY
1916 PRESERVE LANE
PALMYRA PA 17078

AMOUNT NOW DUE	114.37 1,225.12
DUE DATE	2/15/17
AFTER DUE DATE PAY	146.09

Please make checks payable to Capital Region Water

☐ Cash ☐ Check ☐ Money Order

AMOUNT PAID	\$
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Capital Region Water
PO Box 826429
Philadelphia, PA 19182-6429



MUNI-LINK

Billing

CAPITAL REGION WATER

ACCOUNT LOOKUP

My Account Logout Help & Support



ACCOUNTS CUSTOMERS METERS PROCESSING MAINTENANCE REPORTS

Return To List

ACTIVE Account 10015094-0

STEVEN R KENNEDY

2555 N 6TH ST
HARRISBURG, PA 17110Is Rental: No
Mobile Phone:
Email:
Home Phone:

Active Alerts on this Service Address

• BANKRUPTCY

Bankruptcy

Edit Account Billing Group

General Information

Edit

Units: 1
Exclude Billing: No
Exclude Interest: No
Exclude Penalty: No
Exclude Notice: No
Exclude Lien: No
Suspended Action Code: Standard

Transactions

View More

Date	Type	Reference	Due Date	Total	Balance
12/09/2016	Adjust Move to Bankruptcy			1061.02	1,061.02

Balances

View Details

Balance	\$1,061.02
Deposits	0.00
Other	0.00
Water	620.34
Sewer	440.68

Account Log

View More

Add New

Completed	Scheduled	Type	Reading
01/31/2017		AUTOMATED METER READINGS	930000
12/28/2016		AUTOMATED METER READINGS	927000
12/06/2016		AUTOMATED METER READINGS	924000
11/02/2016		AUTOMATED METER READINGS	920000
10/11/2016		AUTOMATED METER READINGS	918000

Services

Add New

Bankruptcy-RTS - Ready to Serve Bankruptcy-Sewer Maintenance - Sewer Maintenance Bankruptcy-Water Utilization - Water Utilization

Bankruptcy Sewer Utilization - Sewer Utilization ** All Services **

Details

View Details

Edit

Title: Bankruptcy-RTS - Ready to Serve
Quantity: 1
Amount:
Enabled: No

Charges

View More

Add New

No data found.

Payment Method

Edit

NO PAYMENT METHOD

Portal Payments

View More

No data found.

Customers

Capacity Data

Attachments

Categories

Reports

Custom Data

Back Flow

Bill To

View Details

Edit

Name: STEVEN R KENNEDY
Address: 1916 PRESERVE LANE
PALMYRA, PA 17078
Phone: (717) 221-0999

Owner

View Details

Edit

SAME AS BILL TO

Alternate Addresses

View More

Add New

No data found.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

U.S. BANKRUPTCY COURT

2017 FEB 15 PM 2:28

IN RE: : Chapter 13
Steven R. Kennedy and :
Shirley R. Kennedy : Case No.: 1:16-bk-01913-RNO
Debtors :

STIPULATION

AND NOW, come Capital Region Water and Debtors, by and through their attorneys, who stipulate that the municipal claim held by Capital Region Water on the real property located at 2555 North 6th Street, Harrisburg, Dauphin County, Pennsylvania in the amount of \$1,225.12 shall be paid in full through the proceeds of the sale of the real property.

GOLDBERG KATZMAN, P.C.

Date: By: s/ Steven E. Grubb
Steven E. Grubb, Esquire
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Telephone: (717) 234-4161
Attorney for Capital Region Water

LAW OFFICES OF JOHN M. HYAMS

Date: By: s/ John M. Hyams
John M. Hyams, Esquire
555 Gettysburg Pike, Suite C-400
Mechanicsburg, PA 17055
Attorney for Debtors

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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Steven R. Kennedy and	:
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ORDER

AND NOW, this _____ day of _____, 2017, based upon the
Objections of Capital Region Water and the Stipulation of the parties, it is hereby
ORDERED and DECREED that Capital Region Water's Objections are
GRANTED and the municipal claim held by Capital Region Water on the real
property located at 2555 North 6th Street, Harrisburg, Dauphin County,
Pennsylvania in the amount of \$1,225.12 shall be paid in full through the proceeds
of the sale of the real property.